Организация Объединенных Наций S/2009/386



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Имею честь сослаться на пункт 2 статьи 13 bis Устава Международного трибунала для судебного преследования лиц, ответственных за серьезные нарушения международного гуманитарного права, совершенные на территории бывшей Югославии с 1991 года, который гласит следующее:

> «В случае вакансии в камерах среди постоянных судей, избранных или назначенных в соответствии с настоящей статьей, Генеральный секретарь после консультации с Председателем Совета Безопасности и Председателем Генеральной Ассамблеи назначает на соответствующий оставшийся срок полномочий лицо, отвечающее требованиям, изложенным в статье 13 Устава».

В этой связи хотел бы напомнить, что судьи Мохамед Шахабуддин (Гайана), Иен Бономи (Соединенное Королевство Великобритании и Северной Ирландии) и Кристин Ван ден Вингарт (Бельгия) выходят в отставку 10 мая, 31 августа и 1 сентября 2009 года соответственно.

Правительство Бельгии назначило г-на Ги Дельвуа на замену судьи Ван ден Вингарта. Правительство Соединенного Королевства назначило г-на Ховарда Моррисона на замену судьи Бономи. В этой связи прошу отметить, что в начале текущего года после уведомления Совета Безопасности о своих намерениях я назначил г-на Моррисона судьей Специального трибунала по Ливану. Однако в свете трудностей с поиском судей, обладающих необходимым опытом для назначения в Международный трибунал в требуемые короткие сроки, и учитывая тот факт, что судьи Специального трибунала вряд ли смогут приступить к исполнению своих функций раньше первого квартала 2010 года, правительство Соединенного Королевства приняло решение назначить г-на Моррисона на должность судьи Международного трибунала. Г-н Моррисон вышел из состава судей Специального трибунала 14 июля 2009 года.

Относительно замены судьи Шахабуддина правительство Гайаны сообщило, что оно не может назначить кандидата для его замены. Поэтому оно предложило обратиться к другим государствам этого региона с просьбой выдвинуть возможных кандидатов. В результате этих консультаций правительство Багамских Островов назначило в качестве постоянного судьи сэра Бертона Холла, который в настоящее время является судьей ad litem в Международном трибунале и еще не назначался ни по одному из дел.

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К настоящему прилагаются биографические справки г-на Ги Дельвуа, г-на Ховарда Моррисона и сэра Бертона Холла (см. приложение)*.

По моему мнению, вышеупомянутые кандидаты отвечают требованиям, предписанным в статье 13 Устава Международного трибунала. Считаю также, что их назначение обеспечит надлежащее представительство в Трибунале основных правовых систем мира, как это предусмотрено в пункте 1(с) статьи 13 ишы Устава.

В соответствии с пунктом 2 статьи 13 ишы Устава Международного трибунала надеюсь получить Ваши мнения по поводу назначения г-на Дельвуа, г-на Моррисона и сэра Бертона Холла в качестве постоянных судей Международного трибунала.

(*Подпись*) **Пан** Ги Мун

* Текст приложения распространяется только на тех языках, на которых он был представлен.

Приложение

PERSONAL INFORMATION	
Name	DELVOIE
Surname, other names	Guy Lucas, Martin
Address	Kaubergstraat 14 B- 3051 Sint Joris Weert BELGIUM
Telephone	32 16 38 95 58
E-mail	guy.delvoie@skynet.be
Nationality	Belgian
Date of birth	20 august 1947
Office	Court of appeals of Brussels
Address	Palais de Justice Place poelaert, B- 1000 Brussels BELGIUM
Telephone	32 2 508 66 37
E-mail	guy.delvoie@just.fgov.be

WORK EXPERIENCE
(acquired in full time jobs)

• Dates (from – to)	**April 2007 - present**
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***President of the Brussels Court of appeals*** The bilingual Brussels court is Belgian's premier court of appeals.
• Main activities and responsibilities	Presiding over the Brussels Court of appeals, a jurisdiction with some 70 full time professional judges handling appeals cases (criminal proceedings, civil, commercial and tax matters). Representation of the Court. Organising it's functioning. Controlling, to a certain degree the lower courts within its jurisdiction.

• Dates (from – to)	**October 1995 - March 2007**
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	***Judge and Section President***
• Main activities and responsibilities	Presiding over a section of the Court of appeals; handling and deciding appeals cases in civil and tax matters as well as criminal proceedings

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DELVOIE Guy, Lucas, Martin

• Dates (from – to)	JUNE 1998- DECEMBER 2003
• Name and address of employer	Belgian Judiciary – Department of Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	**Court Manager**
• Main activities and responsibilities	Special office whereby one of the Section Presidents is appointed to oversee and coordinate management of the Court as a whole

	MAY 1985- OCOBER 1995
• Name and address of employer	Belgian Judiciary – Department Justice, avenue de Waterloo 115, B-1000 Brussels.
• Type of business or sector	Brussels Court of appeals
• Occupation or position held	**Judge**
• Main activities and responsibilities	Handling and deciding appeals cases, in civil and tax matters as well as in criminal cases.
• Dates (from – to)	SEPTEMBER 1980 – MAY 1985
• Name and address of employer	Belgian Judiciary – Department of Justice + adres
• Type of business or sector	Brussels Court of first instance
• Occupation or position held	**Judge**
• Main activities and responsibilities	Handling and deciding cases at district court level, in civil, cases and in criminal proceedings
• Occupation or position held	**Researcher**
• Main activities and responsibilities	Conducting academic research and preparing academic publications

• Dates (from – to)	SEPTEMBER 1972 – SEPTEMBER 1980
• Name and address of employer	
• Type of business or sector	Brussels Bar
• Occupation or position held	**Attorney,**
• Main activities and responsibilities	associate to a member of the Supreme Court Bar; preparing and trying cases before Belgium's Supreme Court

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WORK EXPERIENCE
(acquired in secondary activities)

• Dates (from – to) Type of activity	1999 - 2003 ***Member of the academic board*** *of the "Justice in the World Foundation", (with headquarters in Madrid, Spain)*
• Dates (from – to) Type of activity	1987 - 2000 ***Member of the First Study Commission*** *of the International Association of Judges ((International study commission within the I.A.J., The commission prepares and reviews comparative studies on matters of judicial organisation)* **Chairperson** 1995 - 2000 **Vice-chairperson** 1991 - 1995 **Belgian reporter** 1987 – 1991
• Dates (from – to) Type of activity	*January 1993 - April 1995* ***Member of the Flemish Council for Advertisement and Endorsements on Radio and Television***
• Dates (from – to) Type of activity	*September 1991 - June-1996* ***Lecturer*** *at the Flemish School for Higher Education in Business; lecturing in the graduate program "Master in Tax Management"*
• Dates (from – to) Type of activity	*1987 – 1997* ***Founder and editor-in-chief*** *of the Belgian Review for Civil Law*
• Dates (from – to) Type of activity	*1987 – 1991* ***Member of the Dispute Resolution Council for Non-Public Radio and Television Providers***
• Dates (from – to) Type of activity	*September 1985 - June 1990* ***Lecturer*** *at the Vrije Universiteit Brussel (Free University of Brussels) for the course "Ethics of the Legal Profession"*
• Dates (from – to) Type of activity	February 1974 - 30 June 1985 ***Assistant professor*** *at the Vrije Universiteit Brussel (Free University of Brussels) for the course Family Law (Prof. Dr. G. Baeteman)*

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EDUCATION AND TRAINING

• Dates (from – to)	June 1999 – May 2000 (3 weeks stay in Williamsburg in June 1999 - writing a paper on a specific court management project - stay of one week in Washington DC in May 2000)
• Name and type of organisation providing education and training	Institute for Court Management, National Centre for State Courts, Williamsburg, Virginia, U.S.
• Principal subjects/occupational skills covered	**Court management**
• Title of qualification awarded	Fellow of the Institute for Court Management

• Dates (from – to)	1997
• Name and type of organisation providing education and training	Department of Justice, Office of Continuous Learning for Judges
• Principal subjects/occupational skills covered	**Court management**
• Title of qualification awarded	Certificate of completion

• Dates (from – to)	1997
• Name and type of organisation providing education and training	Stichting Studiecentrum Rechtspleging (Foundation Study Centre on the Administration of Justice'), Zutphen, the Netherlands, 1997
• Principal subjects/occupational skills covered	**Court management**
• Title of qualification awarded	Certificate of completion

• Dates (from – to)	August 1973 and august 1974(first and second cycle)
• Name and type of organisation providing education and training	Faculté de droit comparé de l'Université de Strasbourg (School of Comparative Law of the University of Strasbourg, France).
• Principal subjects/occupational skills covered	**Comparative Law**
• Title of qualification awarded	Diploma first cycle and diploma second cycle

• Dates (from – to)	September 1968 – June 1972
• Name and type of organisation providing education and training	Vrije Universiteit Brussel (Free University of Brussels)
• Principal subjects/occupational skills covered	**Law degree (5 years of legal eduction)**
• Title of qualification awarded	Licencié en droit (JD equivalent), magna cum laude

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LANGUAGE SKILLS

MOTHER TONGUE	DUTCH	
OTHER LANGUAGES		
	FRENCH	(SECOND LANGUAGE, DAYLY USED IN THE BILINGUAL BRUSSELS COURT)
• Reading skills	excellent	
• Writing skills	excellent	see publications in French
• Verbal skills	excellent	
	ENGLISH	
• Reading skills	excellent	
• Writing skills	excellent	see publication in English
• Verbal skills	excellent	
	GERMAN	
• Reading skills	very good	
• Writing skills	good	
• Verbal skills	good	

JOB REQUIREMENTS	*All judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices...* *with experience in the fields of criminal law or international law, including international humanitarian law and human rights law.*
SKILLS AND COMPETENCES RELATED TO THE JOB REQUIREMENTS	The applicants appointment in April 2007 to one of the highest judicial offices in Belgium (president of the Brussels Court of appeals, in the Belgian Judiciary only outranked by the position of president of the Supreme Court) gives evidence as to the first requirement above. A solid experience in criminal law has been acquired in the course of a career of almost 30 years within the Belgian Judiciary (see details below) while judging criminal cases on the first instance level as well as in the appellate court and also in the "Cour d'assises" (jury trial). Ability to formulate independent judgment in sensitive and complex matters and unquestionable impartiality and integrity is evidenced by an outstanding judicial career, including years as Section President of criminal, civil and Tax sections of the Court of appeals of Brussels, and a term as Court Manager. . Knowledge of different legal systems and international legal matters acquired trough comparative studies and trough very active involvement, in the First Study Commission of the International Association of Judges, including five years as chairperson of the Commission. Proven record of French and English language proficiency, both in a domestic environment ((French) and in an international legal environment (verifiable e.g. through graduation from a U.S. Court management program and preparation of a 70 pages-long paper on court management in English).

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ORGANISATIONAL SKILLS AND COMPETENCES.	Successful completion of various Court management programs in Belgium, The Netherlands and the United States of America. Numerous years as section president and a five-year term as Cour Manager of the Brussels Court of appeals. The latter position involves the organisation and management of Belgium's premier (and bilingual) appellate court..

TECHNICAL SKILLS AND COMPETENCES	Excellent PC-skills, including knowledge of WORD, EXCEL and POWER POINT

ADDITIONAL INFORMATION	CONTACT PERSONS : **Johan Vlogaert** Head of Unit External Aid Investigations, European Anti-fraud Office (OLAF), European Commission e-mail: JOHAN.VLOGAERT@CEC.EU.INT **The Honorable Louise Mailhot,** Former judge at the court of appeals of Quebec, actualy strategic counsel to Fasken Martineau's Litigation and Employment Law Practice Groups Montréal Canada e-mail : lmailhot@fasken.com **Klaus Decker** Legal and Judicial Reform Public Sector Group – PREM Network e-mail: KDECKER@WORLDBANK.ORG. **Karel De Gucht** Minister of Foreign Affairs Karmelietenstraat 15 B-1000 Brussel e-mail: kab.bz@diplobel.fed.be

ANNEXES — LIST OF PUBLICATIONS

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LIST OF PUBLICATIONS

Guy Delvoie

1) "Multi-eigendom: een nieuw rechtsbegrip met kwalificatieproblemen", R.W. 1973 - 1974, kol 1842.

2) "Het strafbeding in financieringshuurkontrakten, met enkele bijkomende beschouwingen over het karakter van art. 1213 B.W.: Dwingend of suppletief": Belgische rechtspraak in handelszaken, 1973, p I-523.

3) "De regresvordering van de verzekeraar-wet bij strafrechtelijke veroordeling tot afzonderlijke straffen wegens inbreuk op de wegcode enerzijds en rijden onder invloed anderzijds", R.G.A.R. 1977, nr. 9708.

5) Noot onder Cass. 11 MEI 1979, Limburgs Rechtsleven, 1979, p.172.

6) "Oudergeweld rond wieg en kinderledikant", R.W. 1979-1980, kol 2145.

7) "la famille de remplacement", Belgisch rapport voor het XIe congres van de "ACADEMIE DE DROIT INTERNATIONALE COMPARE", te Caracas, 29 augustus-5 september 1982, Brussel, Bruylant, 1982, p. 255 (G. Baeteman, G.Delvoie en S.BEX, co-auteurs).

8) "De woonplaats", artikelsgewijze commentaar van de artikelen 102 - 111 B.W. in losbladig basiswerk: Personen en familierecht, Kluwer, Antwerpen, juni 1984, bijwerking september 1988.

9. Tijdschrift voor Belgisch Burgerlijk recht/Revue de droit civil belge, tweemaandelijks tijdschrift voor rechtsleer en rechtspraak, als hoofdredacteur.

10. Noot onder Cass. 13 april 1988, T.B.B.R. 1988, p 438.

11. "Goede wijn behoeft geen krans" , noot onder Cass. 24 april 1987, T.B.B.R. 1989, p. 64.

12. " Interactie tussen therapie en gerecht bij kindermishandeling" Congrespaper voor "CHILD PROTECTION TROUGH THERAPY", 2nd European Conference on Child Abuse and Neglect, Brussel, 24 - 28 april 1989, Vlaams Tijdschrift voor Gezondheidsrecht 1989,p 279.; "Het kind", Tijdschrift Kind en gezin 90/1,

13. "De toegang tot de magistratuur in Nederland", Bulletin van de Internationale Unie van Magistraten, Maart 1990.

14. "Stichting Studiecentrum Rechtspleging", Bulletin van de Internationale Unie van Magistraten, maart 1990.

15. "Denkoefening Gerechterlijke Achterstand", Bulletin van de Internationale Unie van Magistraten, maart 1990.

16. "Een krans voor goede wijn : het navolgend hoger beroep" in Liber Amicorum prof.Em. E.Krings, p.541.

17. "De nieuwe nietigheidsregeling van de artikelen 860 e.v. van het Ger. W.", commentaar op de wet van 3 augustus tot wijzigig van het Gerechtelijk Wetboek" , TBBR 1993, p. 36.

18. "Nog maar 'ns over misbruik en anti-misbruik", editoriaal in T.F.R. 1994, 179.

19. Note sous Brx. 17 mai 1994 R.G.D.C. 1994, 241

20. "Voor wie haar soms geweld aan doet", noot onder Gent 31 oktober 1994, R.W. 1994-1995, 1029

21. "De gerechtelijke achterstand gedemystifieerd", De Standaard 24 december 1994, p. 8

22. "De horizontale en verticale onafhankelijkheid van de rechter" A.J.T. 1995-96, Dossier nr. 8, 106

23. "L'arriéré judiciaire démystifié" Bulletin van de I.U.M. 1995, nr. 1, p.9.

24. " Aujourd'hui je m'habille de mes rêves" Beschouwingen over rechtbankmanagement R.W. 1995-96, 834

25. "Reflexions sur le managment des juridictions et l'indépendance du juge" Bulletin de l'U.I.M., 1995, 2, p.7

26. "De rechter-plaatsvervanger" Trema (Tijdschrift voor de (Nederlandse) Rechterlijke Macht), october 1996, p. 316

27. "Over pianokrukjes en bijzettafeltjes : what's in a name (beschouwingen over plaatsvervangende rechters in het algemeen en "plaatsvervangende raadsheren om de gerechtelijke achterstand weg te werken in het bijzonder)", R.W 1996-1997, 169

28. "Conclusions de la première commission d'etude de l'Unio nInternationale des magistrats : Le recrutement et la formation des juges" Bulletin van Belgische Afdeling van de I.U.M., nummer 2/96

29. "Magistraat-coördinator : 'court manager'?" Vlaamse Jurist Vandaag, 1997, nr 4, blz. 02.

30. ”Magistratenvreten is in”, De Standaard 28/03/1998.

31. “ La désignation et la formation du juge “, in Traité d’organisation judiciaire comparée, Tome I, blz. 35-44 ; uitgave van «La Fondation Justice dans le Monde », 1999, Bruxelles, Bruylant en Zurich, Schulthess.

32. “ De magistratenschool, voedstermoeder van de toekomstige magistratuur ? » Ghilain Londers, co-auteur ; TPR, 1999, blz.2161.

33. “ Over vreugdekreten en tandengeknars rond vaststellingstermijnen “, Informatieblad van de Nederlandse Orde van Advocaten te Brussel, 1998 – 1999, 74.

34. “ Conseillers suppléants et résorbtion de l’arriéré judiciaire à la cour d’appel de Bruxelles “, J.T. 1998, 387.

35. “ Procesmanagement : een stap te ver ?” Noot onder J.P.Saint Gilles, 9 juin 1999, R.G.D.C. 2000, p. 99.

36. “Revaloriser les relations entre le pouvoir judiciaire et les autres pouvoirs d’état”, Justice dans le Monde, publicatie van de Fundaciòn Justicia en el Mundo, 1999, n° 4, p. 33.

37 “ Pour une justice autogestionnaire”, J.T. 2000, p. 191

38. “ Wie kaatst …”, Juristenkrant 13 september 2000.

39. “ Weg met het gerechtelijk verlof ?”, De Standaard, 20 september 2000, p. 9.

40. “Muscles from Brussels, a muscled attempt to improve case handling in the Brussels Court of appeals” Managementthesis, mei 2000, niet gepubliceerd. Beschikbaar bij dienst Vorming van Magistraten van het Ministerie van Justitie en bij de Koning Boudewijnstichting.

41. “Over vadsige lijdzame en actieve rechters, three of a kind?"
in Hoge Raad voor de Justitie (ed.) "Gerechtelijke achterstand: geen noodzakelijk kwaad" Brussel, Bruylant 2004

42. "Rechtbankmanagement bij gerechtelijke achterstand: over vasttellingen, wachtlijsten en pleitprognoses"
in Depré, R., Plessers, J. & Hondeghem, A., (ed.) Management en beleidsvoering in de Belgische justitie: van internationale ontwikkelingen tot dagdagelijkse praktijk, Brugge, die Keure, 2004.

HHJ Howard Morrison CBE QC

Born Kent UK 1949

Pots-school VSO service Ghana 1968-9 the London University[law graduate LLB] Military service [Subaltern, Queen's Regt and subsequently Para Regt TAVR then RARO] and then development work in West and Central Africa [VSO officer responsible for Zambia and Malawi] Post-grad Bar final, Inns of Court School of Law, called to Bar by Grays Inn in 1977.

Private practice as a barrister from 1977 -1985 doing criminal, civil and family law cases when appointed as a Resident then Chief Magistrate of Fiji and, concurrently, Senior Magistrate of Tuvalu. Took Magistracy through first of two military coups intact, the second coup dismantled the constitution.

1988-89 Served as Attorney General of Anguilla getting anti drugs legislation through a very hostile Parliament and local legal community 1989- 2004 practice on the UK Midland Circuit in crime, sitting as a Assistant Recorder [1993] and Recorder [1997] in crime, family and civil cases. Appointed Queen's Counsel 2001.

In practice prosecuted cases for the Crown Prosecution Service, Customs and Excise and the Serious Fraud Office at the highest prosecutorial grade in each case and defended in the most serious rape and murder cases. Defence practice included Courts Martial in UK and Germany.

From 1997-2004 defending at the UN International Criminal Tribunals for Yugoslavia and Rwanda defending in genocide, crimes against humanity and war crimes allegations including two camp commanders [ICTY][Mucic and Nikolic] and a former Rwandan government Minister [Mugenzi][ICTR] charged with genocide. Created the procedure for dealing with cases of diminished responsibility at the ICTY in the case of Kovocavic.

Wide knowledge of international criminal and humanitarian and human rights law and a particular knowledge of the jurisprudence of the ad-hoc Tribunals for the former Yugoslavia and Rwanda, in particular command and superior responsibility and the three modes of joint criminal enterprise.

Various publications mostly in the field of International criminal law.

Member of the Race Relations and Equal Opportunities Committees of the Bar Council 1994-2003.

Master of the Bench, Grays Inn 2008

Appointed Circuit Judge December 2004. Authority to try all classes of cases. Extensive experience of teaching advocacy [Grays Inn] and international criminal, humanitarian and human rights issues at universities and conferences/seminars in the Middle East [Iraq, Dubai, Syria, Jordan and Egypt} , Australia [Distinguished Visiting Fellow, Castan Human Rights Centre, Monash University], Europe [including guest lecturer at the Scoula Superiore at the University of Cantania, Sicily] 2007 German Bar Conference, 2008 Chaired meeting of the completion strategies for the ICTY/ICTR, European University at Florence.

2009 Co-chair expert meeting of the Amsterdam Centre of Interdisciplinary Research on International Crimes and Security and the USA for the IBA, British Council and independently. OBE [Services to Fiji] (1988), CBE [Services to international law] (2007)

Appointed visiting Senior Judge for the Sovereign Base Areas, Cyprus 2007.

Appointed Trial Judge by the UN Sec General for the Special Tribunal for the Lebanon 2009

Member of Fijian and Eastern Caribbean Bars
Member of Justice, the Commonwealth Judges and Magistrates Association and British Institute for International and Comparative Law
Fellow of the Royal Geographical Society
Member of the Advisory Board, OUP Journal of International Criminal Law.

Sir Burton Hall, Kt., KSS,
Chief Justice and Head of the Judiciary
(5 September 2001-present)
Commonwealth of the Bahamas

Birth: Nassau, The Bahamas, 10 December 1947

Education:

Sir Burton received an LL. B degree, with Honours, from the University of the West Indies in 1974 and the Legal Education Certificate of the Council of Legal Education of the West Indies in 1976.

Professional Life:

Sir Burton began his public service career in 1968 and served as a Probation Officer and Clerk in the House of Assembly before he began his legal studies.

He entered the Office of the Attorney General as an Assistant Counsel following his admission to the Bar in 1976. He progressed through the ranks of that Office (acting as a Stipendiary and Circuit Magistrate for two years) and held the post of Solicitor General when he was appointed to act as a Justice of the Supreme Court in October of 1990. As Solicitor General, he represented The Bahamas at several regional conferences dealing with drug trafficking and economic crimes.

He was confirmed as a Justice of the Supreme Court with effect form 1 February 1991 and served in that office (presiding over criminal, civil, constitutional and family matters) until he was appointed to the Court of Appeal on 1 April 1997. He demitted office as a Justice of Appeal on 4 September 2001 in order to assume his present post as Chief Justice and Head of the Judiciary.

During 1998, Mr. Justice Hall, as he referred to then, was appointed Chairman of the National Crime Commission. The Commission presented its report to the Government on 30 November of that year.

In 1999 Sir Burton was appointed to serve a three-year term as a member of the Administrative Tribunal of the Inter-American Development Bank, and, in 2002, was appointed for a further, and final, three-year term which ended in 2004.

In August of 2005, Sir Burton was elected by the General Assembly of the United Nations an *ad litem* Judge to the International Criminal Tribunal for the former Yugoslavia (ICTY).

In addition to his present duties, he is also Course Director in Constitutional Law and Legal Systems at the Eugene Dupuch Law School, Council of Legal Education.